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Docket No.: 22051-00002-US1
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Donald France

Application No.: 09/912,490

Confirmation No.: 6270

Filed: July 26, 2001

Art Unit: 3624

For: METHOD OF FACILITATING
PARTICIPATION IN LOTTERIES

Examiner: Wasylchak, Steven R.

AMENDMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In the Office Action of February 9, 2005 claims 1, 4, 6, 7, 10 and 12 were rejected as anticipated by Rantanen. The other claims, 2, 3, 5 and 8-12 were rejected as unpatentable (35 USC 103) based on a combination of Rantanen and Scagnelli.

In the May amendment applicant amended claims 1, 6, 7 and 12 and added new dependent claims 13-18.

The final rejection indicates that claims 1-18 are rejected "under 35 USC 102(r) as being unpatentable over Rantanen (US 6,685,562) is maintained."

Applicant assumes that the Office Action was intended to refer to a rejection under 35 USC 102(b) or 35 USC 102(e). The comment that the rejection is maintained is confusing since the earlier rejection (of February 9, 2005) was in-part a rejection under 35 USC 102, but in-part a rejection under 35 USC 103. More particularly, in the February 2005 rejection claims 1, 4, 6, 7, 10 and 12 were rejected under 35 USC 102(e)